

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

MONICA DANIEL HUTCHISON,)
)
Plaintiff,)
)
vs.) Case No. 09-3018-CV-S-RED
)
TEXAS COUNTY, MISSOURI; MICHAEL)
R. ANDERSON, TEXAS COUNTY)
PROSECUTING ATTORNEY; and)
MICHAEL R. ANDERSON,)
Individually,)
) May 25, 2010
Defendants.) Houston, Missouri

VIDEOTAPED DEPOSITION OF CHRISTINA NORMA ROSE MOSLEY

a Witness, produced, sworn and examined on the 25th day of May, 2010, between the hours of 8 a.m. and 5 p.m. of that day, at Texas County Justice Center, 519 North Grand, City of Houston, County of Texas, before

JOANN RENEE RICHARDSON, CCR
Certified Court Reporter
20051 State Route B
St. James, Missouri 65559

in the above-entitled cause, pursuant to Amended Notice to Take Video Deposition, on the part of the Plaintiff.

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1 him was that Monica would try to get us to show our
2 breasts to her. She would show -- I told him about a
3 bar incident, where we had went to the bar together
4 and I had pushed her up against the bathroom sink in
5 there because she had bit my nipple. She just come
6 and bit my nipple. And I said -- I pushed her up and
7 she joked about it forever that I had bruised her
8 kidney. I told him about that. That was at the
9 first initial thing. I believe that was told then.

10 But me and Stephanie was sitting there and
11 Stephanie basically -- you know, she didn't want to
12 go into a lot of detail about her personal sexual
13 issue with Monica and she told me that, so I do not
14 think that was actually told to him at that time. I
15 don't think she had told him about that right on that
16 first initial meeting.

17 Q. Let me ask, then, what transpired then? I
18 mean, what happened between that time and the time
19 Monica came back to work?

20 MR. HARRIS: As far as just in the
21 office, or --

22 MR. STEELMAN: Well, regarding Monica.
23 Let me reask it. I'm wearing down, but I can fetch a
24 little surge. I got tired of watching you yawn.

25 MR. HARRIS: That doesn't need to be
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1 work?

2 A. How she come back, okay, the Jeff
3 conversation. I believe, from what I understood from
4 Mike, he had kind of tried to talk to Monica about
5 she could not do these things. She needed to --
6 could not be turning in time that she wasn't working.
7 No, it wasn't his business what she done afterwards,
8 but with married cops, it caused a problem.

9 Q. Is this what Mike told you, or is this what
10 you heard?

11 A. Monica told me.

12 Q. Okay.

13 A. And that's when she told me it was none of
14 his freakin' business what she done. Well, she said
15 the other word, but, you know. I said, "Yeah, I
16 understand." And I agreed with her, yeah, yeah,
17 whatever. I know at one point or another, he had her
18 come in and talk to him concerning work, coming back
19 to work.

20 And she come in -- I don't know -- I don't
21 know if they had a meeting there that day or if this
22 was already -- had took place over the phone. I
23 don't know if it was in the office or on the phone.
24 But, anyway, there was a conversation between the two
25 of them concerning her coming back to work and him

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1 on the record.

2 MR. STEELMAN: Yeah, that doesn't,
3 does it? But you were alert and paying attention at
4 the same time, I could tell.

5 BY MR. STEELMAN:

6 Q. What I want to know is, how did Monica end
7 up coming back to work?

8 A. Okay. I was told by Mike that Jeff Kinder
9 had -- I don't know if he come in and talked to Mike
10 or if it was over the phone, but had basically begged
11 Mike to let her come back. It was Christmas, you
12 know, she needed the money.

13 Q. Did Mike ever tell you anything other than
14 Kinder had come to ask him to take Monica back?

15 A. Jeff Kinder is the only one I know of that
16 come to him and asked.

17 Q. But my question is, what Mike Anderson told
18 you, very clearly, is that Kinder came to him to ask
19 for Monica to get her job back; is that right?

20 A. Right.

21 Q. Go ahead. Go ahead.

22 A. And that's what I heard from him. Sorry,
23 basically -- ask the question again. We got to the
24 Jeff part, sorry, I'm off.

25 Q. I'm trying to ask how Monica came back to

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1 helping her fix this, but it needed to stop. She
2 could not be doing this when she was working.

3 Q. Now, who told you this?

4 A. Him and her.

5 Q. Okay, go ahead.

6 A. I've heard from both of them. And he asked
7 me if I would step down from her job or not. I said,
8 "I didn't want her job to begin with. It wasn't my
9 intention." And I said, "Yes, you know, I'll do my
10 job." So Stephanie went back to doing the bad
11 checks. I went back over to child support. I was
12 just fine where I was at.

13 So then she come back in and she and I
14 still maintained being friends and she was then
15 telling me more and more what she was working on.
16 She said, basically, she was going to get something,
17 one way or another. She was not walking out of
18 there. She come back for a purpose.

19 Q. And did she act the same as she acted
20 before?

21 A. Her demeanor, she was very -- I mean, she
22 was the same, like, towards me. I didn't feel any
23 different. She, I think, actually believed Stephanie
24 was the one who had said something. She didn't know
25 I was actually the one who had went to Mike. She

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1 A. Yeah.
 2 Q. Are we talking about the second time she
 3 left?
 4 A. Yeah, this was the second time and he told
 5 her -- I guess. I do not know this, I only know --
 6 because I didn't hear what they talked about. All I
 7 know is that after I talked to him again, I just told
 8 him, you know, he needed to watch what he was doing
 9 because apparently she's still on this vendetta to do
 10 something.
 11 Q. Now, I want to make it clear. You are
 12 aware, are you not, that Mike went to her house in
 13 the early morning of December 18th?
 14 A. I am aware that, yes, I'm aware that -- and
 15 Monica -- and I think -- yeah, I mean, she told me
 16 about him coming there.
 17 Q. Okay. And you had the conversation telling
 18 him that she was building a sexual harassment case
 19 before he went to her house in the early morning
 20 hours?
 21 A. I don't think it was before. I believe
 22 this was actually after when I talked to him, because
 23 after I talked to him and told him that --
 24 Q. It was after that he had been to her house?
 25 A. I don't remember the date he went over
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1 there, but --
 2 Q. Was your conversation where you said, "Now,
 3 be careful, she's building a sexual harassment case,
 4 I'm telling you again," after he went to her house?
 5 A. No, I believe that was after that whole
 6 incident took place with the house thing, when Mike
 7 was trying to help her get her life straightened out.
 8 Q. So you told -- when was he trying to help
 9 her get her life straightened out?
 10 A. When he brought her back in, what I
 11 overheard him saying was, you know, "You can't be
 12 doing this, you know."
 13 Q. Okay.
 14 A. I want to help you get this straightened
 15 out."
 16 Q. You're aware that he went to her house
 17 December 18th, right, in the early morning hours?
 18 A. I'm aware of that.
 19 Q. Okay. Did you tell him to beware of the
 20 sexual harassment before that date or after that
 21 date?
 22 A. I told him on the first initial thing.
 23 Q. No, not first, we're not on the first.
 24 A. I know, but I did tell him that time.
 25 Q. You told him the second time?
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1 A. Right.
 2 Q. We're talking about the second time.
 3 A. That was after -- she was still employed
 4 with us, so it was after.
 5 Q. Please listen, I'm going to ask you a very
 6 specific question. On this second time that you told
 7 Mike to beware that she was still building a sexual
 8 harassment case, was this before he went to her house
 9 in the early morning hours, or after he went to her
 10 house in the early morning hours?
 11 A. It was after.
 12 Q. Thank you, okay.
 13 A. I said that, I'm sorry.
 14 Q. Now, what did Mike say to you at that point
 15 in time?
 16 A. What is she trying -- "How is she trying to
 17 build something on me, I've done nothing to her."
 18 Q. Wait a second. You mean after he had been
 19 to her house in the early morning hours, he said to
 20 you, "I have done nothing to her"; is that right?
 21 A. He has told me that he done nothing to her,
 22 period.
 23 Q. Listen to what I'm asking. After he went
 24 to her house, he said he done nothing to her?
 25 A. He told me that originally, as well.
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1 Q. Did he deny going to her house?
 2 A. No, he told me he went there.
 3 Q. What did he tell you about that?
 4 A. He told me he went there and he was
 5 knocking on the door and trying to get her to open
 6 up; he knew she was in there. And he wanted to tell
 7 her, "We've got to fix this. You cannot be having
 8 sex with other cops," blah-blah-blah.
 9 Q. This is why he went to her house in the
 10 early morning hours -- this is what he told you?
 11 A. No, this is what she told me he said. She
 12 tape-recorded him on her answering machine when he
 13 called.
 14 Q. Ma'am, please, please, please, I'm asking
 15 what Mike Anderson. Please, I beg you. I am
 16 literally begging you to stick with what my question
 17 is. Mr. Warren here and Mr. Corey will be awake at
 18 that time and they can ask you any other questions
 19 they want.
 20 A. Okay. All right.
 21 Q. What did Mr. Anderson tell you about --
 22 A. He didn't.
 23 Q. He told you nothing about --
 24 A. He told me nothing in particular about what
 25 he had done there.
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1 Q. Did he admit to you he was there?
 2 A. Yes, he told me he had went over there.
 3 Q. Did he tell you what his condition was when
 4 he went over there?
 5 A. No.
 6 Q. He didn't? He never said to you that --
 7 A. Not --
 8 Q. Go ahead. Did he ever tell you about what
 9 his condition was on the night that he went to
 10 Monica's house?
 11 A. He told me he had stopped by Licking.
 12 There is a small bar there. We had --
 13 Q. What bar is that?
 14 A. I don't know what it's called. I'm sorry,
 15 I don't know the name of it.
 16 Q. Go ahead.
 17 A. Outback, maybe, is the name.
 18 Q. Go ahead.
 19 A. He told me he had stopped by there and that
 20 he had -- he told me he had went to Monica's, but she
 21 had already told me this on the phone. I already
 22 knew about this.
 23 Q. Ma'am, please listen to me.
 24 A. I know what you're asking --
 25 Q. Just tell me what Mike Anderson said.

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1 condition?
 2 A. No.
 3 Q. Okay. Did he ever indicate to you whether
 4 he had drank too much or been drugged?
 5 A. Later.
 6 Q. Okay. How much later?
 7 A. Within a few days.
 8 Q. Now, here's my question.
 9 A. I'm guessing there.
 10 Q. Do you all in your office prosecute DWI's?
 11 A. Yes.
 12 Q. And tell me what the prosecuting attorney's
 13 policy, Mr. Anderson's policy is towards people who
 14 drive while intoxicated?
 15 A. Well, we have the law that we must abide by
 16 and, basically -- it depends on where it's at. City
 17 cases through city court.
 18 Q. Okay.
 19 A. Are prosecuted through them, unless a
 20 person has several, then they may forward that to the
 21 prosecutor for review. The county officers, that all
 22 comes directly to us. State patrol comes directly to
 23 us, whether it's the first time or tenth time. But
 24 City does have the opportunity, you know, prosecuting
 25 them on their own.

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1 A. -- and I'm telling you that. Mike told me
 2 just specifically that he went over there.
 3 Q. After he went to the bar?
 4 A. He had stopped by the bar.
 5 Q. Okay, and then what?
 6 A. Then went to Monica's --
 7 Q. Okay.
 8 A. -- knocked on the door --
 9 Q. Okay.
 10 A. -- nobody answered --
 11 Q. Okay.
 12 A. -- and that was it. He told me he wanted
 13 to talk to her about what had happened with these
 14 cops. He didn't tell me anything more.
 15 Q. All right. I want to make it clear.
 16 A. Okay.
 17 Q. Mike Anderson, after he went to her house,
 18 told you he had been to a bar and had stopped by and
 19 wanted to talk to Monica about what had happened with
 20 the cops; is that right?
 21 A. Right.
 22 Q. And did he tell you what time of the
 23 morning it was?
 24 A. No.
 25 Q. Did he ever tell you about his physical

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1 Q. Do you have an office policy towards DWI's?
 2 A. As far as...?
 3 Q. Are you lenient? Are you strict with them?
 4 What's your policy?
 5 A. When they come in, if there's a decent case
 6 -- he reviews his case and if he's got a case against
 7 an individual that he feels is something that can be
 8 proven, in any case, whether it's DWI or anything, we
 9 file those charges.
 10 Q. And follow up on them?
 11 A. Correct.
 12 Q. Now, do you know if Mike Anderson ever
 13 requested a special prosecutor to examine the
 14 condition that he was in when he left Monica's house
 15 on December 18th?
 16 A. No.
 17 Q. Okay.
 18 A. I do not know anything about what you're
 19 talking about there at all.
 20 Q. Okay.
 21 A. Well, he told you something about his
 22 condition later, you said?
 23 A. Right, but he never told me about --
 24 Q. What did Mike Anderson tell you about his
 25 condition?

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1 A. He said he had stopped by this bar and had
2 had, I believe, a drink. There was -- and I don't
3 remember the boys' names that was in there, but they
4 was people that we had prosecuted was in there, come
5 over to him and, I think, there was a conversation
6 and he thought he had been drugged possibly. That's
7 what he said.

8 He never drank enough to be, I guess, out
9 of line, or however you want to put that. Not over
10 the limit, we'll put it that way. And that he
11 wondered if he hadn't been drugged. And he told me
12 there was -- and I don't remember the defendants'
13 names that was in that case. It seems like it was
14 maybe -- maybe Klause or Almonies. I don't remember
15 for sure if that was the ones or not. I never dealt
16 with that case, so I don't know them people at all.

17 Q. Okay.

18 A. Okay? He just told me that and that was
19 basically it. And what you're asking about, I knew
20 nothing about him having been checked out or whatever
21 you said. I'm not aware of that.

22 Q. Did he ever tell you about any
23 investigation into whether or not he was drugged or
24 intoxicated that night?

25 A. I know he mentioned that he wanted it

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1 something slipped in their drink that impaired them.
2 I don't remember the outcome of that case or anything
3 like that. I just know that that was an issue.

4 Q. Okay. Do you know -- I think I asked you
5 this question, but what follow-up was there regarding
6 Mr. Anderson and his condition that night, whether it
7 was drugs, if you know?

8 A. I don't know what follow-up there was. I
9 have no clue.

10 Q. Well, I'm going to get back to this. You
11 tape -- phone recorded your conversation with your
12 friend Monica because you had decided that it was
13 wrong that she wanted money from Mr. Anderson; is
14 that right?

15 A. Yes, because she was saying it was sexual
16 harassment. There was no harassment that I ever
17 noticed.

18 Q. What about the night of December 18th,
19 2008, you tape recorded her after that night; is that
20 correct?

21 A. Correct.

22 Q. You don't have any idea whether there was
23 sexual harassment the night of December 18th, 2008,
24 do you?

25 MR. FRANKLIN: I'm going to object,

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1 investigated, but he never told me no more specifics
2 as to if it was or what happened or anything.

3 Q. I'm curious, do you handle the DWI's now?

4 A. Yeah.

5 Q. Is that a common defense when people are
6 arrested for driving while intoxicated, that they
7 indicate they've been drugged? I'm just curious.

8 A. Well, people can be charged for drugs in
9 their system if they are pulled over and they are in
10 a drugged condition, whether it be by medication or
11 whatever, and they're under the influence of drugs
12 and not able to operate a vehicle, yes, we do charge
13 those.

14 Q. Well, no. In files you've handled, have
15 you ever seen the defendant raise the issue, when
16 they were charged with driving while intoxicated,
17 that they were involuntarily drugged?

18 A. Involuntarily drugged?

19 Q. Yes.

20 A. Yes, we've had people probably said that.
21 I remember -- it seems like there was one incident a
22 guy said he -- that's been a more recent thing that
23 happened in court. It's not been back then.

24 Q. Okay.

25 A. That somebody alleged that they had

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1 that calls for a legal conclusion. I think that's
2 appropriate for a judge and a jury to decide as a
3 matter of law and a matter of fact as to whether
4 sexual harassment occurred in that single incident.

5 MR. HARRIS: Invades the province of
6 the jury.

7 BY MR. STEELMAN:

8 Q. Go ahead.

9 A. I really don't know how to answer that, as
10 far as whether or not there was sexual harassment
11 that took place. I don't know, I was not there.

12 Q. And yet you still went ahead and tape-
13 recorded Monica after that; is that correct?

14 A. On the issues of what she had told me and
15 the things she had done in the office.

16 Q. Have you ever had that tape played for you
17 of Mr. Anderson?

18 A. Of Mr. Anderson?

19 Q. Yes.

20 A. Monica took it out and put it in her car
21 and had a little thing of a -- a tape player thing to
22 play it, and it started in and then she shut it off,
23 so I never heard the whole thing. I didn't hear
24 anything -- I didn't hear -- from what I heard of it,
25 I didn't hear enough.

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1 them. It was like a father to her.

2 Q. Man, this is so easy.

3 A. That is it.

4 Q. Do you think it's appropriate or not?
5 Because you used the word appropriate in your
6 affidavit and I'm trying to understand if it was
7 appropriate or not.

8 A. Because of what I knew about her
9 relationship --

10 Q. Yes.

11 A. -- I did not find that odd that he went to
12 help her because she had told me he was like a
13 father.

14 Q. So you believe that it was appropriate for
15 Mr. Anderson to go to Monica's house in the early
16 morning hours of December 18th; is that correct?

17 A. I did not find that to be a problem.

18 Q. You didn't think it was inappropriate?

19 A. I did not think it was inappropriate --

20 Q. That's all I'm trying to understand.

21 A. -- because of the fatherly figure she
22 claimed him to be.

23 Q. That's all I'm trying to understand.

24 A. Okay.

25 Q. Now, if Mr. Anderson was not drugged and

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1 - when I found out that she was proceeding with her
2 EEOC, I believe, complaint, the thing that was filed
3 first, I told Mr. Anderson I volunteered to write an
4 affidavit due to what I knew briefly, without going
5 into, you know, lengthy detail for him for that
6 respect, on the respect of EEOC complaint. Yes, this
7 is mine. And, yes, this is my signature.

8 Q. And did you type this document, Exhibit 32,
9 up?

10 A. Yes.

11 Q. Did anybody indicate to you what should go
12 in the document?

13 A. No, I typed this all myself.

14 Q. All of the words were yours; is that
15 correct?

16 A. Yes.

17 Q. You chose to use the words "appropriate"
18 and "inappropriate"?

19 A. Yes.

20 Q. Correct? You chose what the contents of
21 this affidavit would be; is that right?

22 A. Yes, every bit of it.

23 Q. You chose what was important to you to file
24 in the affidavit and what wasn't important enough to
25 file in the affidavit; is that right?

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1 was drinking, do you think it was appropriate for him
2 to drive himself home that night?

3 A. No.

4 Q. Now, did you ever talk to any of the
5 Licking Police or any of the patrolmen about the
6 incident that night?

7 A. What night, sorry?

8 Q. When Mr. Anderson went to Monica's house.

9 A. No.

10 MR. STEELMAN: Let's take a break.

11 MR. WATERS: The current time is 1409.
12 We're now going off record.

13 (Off the record.)

14 (Back on the record.)

15 MR. WATERS: We're now back on record.
16 The current time was 1426. Please proceed.

17 BY MR. STEELMAN:

18 Q. Gentlemen, so that you know -- and I don't
19 have a copy for you, but you all have your own
20 copies, I know it -- it's the affidavit of Christina
21 Wheeler, filed May 12, 2006, Exhibit 32. Now that
22 I've told everybody what it is, would you identify
23 that, please?

24 A. Yeah. This is a statement I wrote that I -

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1 A. Yeah. I put in just the basics of just
2 kind of a brief statement of what had happened.

3 Q. And that's what I'm trying to understand.
4 On May 12, 2006, did you prepare it on that day or
5 sign it on that day?

6 A. I believe I prepared it that morning and
7 whenever Dorothy could come down, she -- it was all
8 done the same day. I done it actually that morning,
9 and then Dorothy come down later, the Notary, and
10 notarized me and I signed it.

11 Q. Did you give it to anybody to review before
12 you completed it?

13 A. No, I completed this myself.

14 Q. That's what I'm wanting to understand. So
15 nobody told you what to put in --

16 A. No.

17 Q. -- what to leave out; is that correct?

18 A. No.

19 Q. You made all the decisions at that time;
20 correct?

21 A. Correct. Like I said, I put in kind of the
22 basics of what had happened that I knew of offhand.

23 Q. That's all I wanted to understand.

24 A. All mine.

25 Q. These were the basics that you put into the
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1 affidavit; correct?
 2 A. Right.
 3 Q. I should ask this. At that time, you knew
 4 pretty well what was going on. I mean, you knew what
 5 the case was about?
 6 A. Yeah.
 7 MR. FRANKLIN: I'm going to object
 8 that -- that's pretty broad.
 9 MR. STEELMAN: I'll restate that.
 10 I'll restate that.
 11 BY MR. STEELMAN:
 12 Q. You had been involved in talking to Mike
 13 Anderson, as you've earlier testified; correct?
 14 A. Right.
 15 Q. And Mike Anderson had talked to you?
 16 A. Yeah. And I --
 17 Q. And you knew all the information that you
 18 had just previously given us in this deposition;
 19 correct?
 20 A. Correct.
 21 Q. You haven't testified to anything that you
 22 found out after May 12, 2006, have you?
 23 A. After that?
 24 Q. Yes.
 25 A. No, everything should be prior to that
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1 Q. And was that your voice?
 2 A. Yes.
 3 Q. And is this one of the phone conversations
 4 that you taped?
 5 A. Yes.
 6 Q. Without Monica being aware of it; correct?
 7 A. Right.
 8 Q. Okay. Now -- and I want to say -- you tell
 9 me if this is right. Did you say that you went over
 10 there today and Randy was in there and I said, "Do
 11 they not like me very much?" Did you say that? Was
 12 that your voice?
 13 A. Right.
 14 Q. Wait, I got a question. Who is Randy?
 15 A. Randy Jones. He was a dispatcher at the
 16 Texas County Sheriff's Department and he's, I think,
 17 a part-time one now. He may be doing full-time, I'm
 18 not sure.
 19 Q. And did you say that you don't know why
 20 they're not coming into your office with the tickets?
 21 A. Right, because prior to the incident -- it
 22 was just a statement to her, letting her know that
 23 none of them was stepping foot in there right now,
 24 after all this had blew up with her leaving, being
 25 fired, or quitting, whatever part of whichever
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1 date.
 2 Q. It is your testimony that everything you've
 3 testified today is information you had prior to the
 4 affidavit, Exhibit 32, being drawn up by you and
 5 signed; is that correct?
 6 A. Right. After the EEOC issue became, I
 7 asked to write something on my behalf.
 8 Q. Okay, on your behalf?
 9 A. Yes, for what I knew.
 10 Q. Okay. Okay. Now, ma'am, the other thing I
 11 want to do -- and we'll get to some other stuff --
 12 but I have tried to hear part of what has been given
 13 to me as your phone conversation and I need some help
 14 on it, so I'm going to play certain segments and we
 15 can replay it, do whatever you want, and then you can
 16 interpret for me and we'll ask some questions.
 17 A. Okay.
 18 Q. Is that agreeable?
 19 A. Sounds fine.
 20 Q. I've got to see if I can work this, which
 21 is always a big "if."
 22 (A portion of the tape was played.)
 23 BY MR. STEELMAN:
 24 Q. Now, ma'am, was that Monica's voice?
 25 A. Yes.
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1 happened when, at what time, you know. But used to,
 2 they come in all the time. Now, they don't.
 3 Q. Here's what I'm curious about. Now, I can
 4 remember your testimony that you gave under oath
 5 earlier as completely wrong. I wanted you to make
 6 very clear that I thought you asked them to not --
 7 A. That was later.
 8 Q. I thought you testified that after you took
 9 over, you asked them not to bring in the tickets any
 10 more?
 11 A. That was later.
 12 Q. Okay.
 13 A. Not at this point. This was right here,
 14 right around -- this was like January/February time
 15 frame whenever these phone conversations took place.
 16 Right after her dismissal issue. It was later that I
 17 talked to Mike about, well, let's just make it policy
 18 that -- they're welcome. They need to be able to
 19 come in here and be able to talk to us about their
 20 cases, not to avoid the office.
 21 Q. I thought this had to do with you not
 22 having a key to the zone office and whole lot of
 23 other reasons.
 24 A. Right.
 25 MR. HARRIS: Let me just object.
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1 that same tape when I would back up to re-listen. I
2 did not have it properly hooked up.

3 MR. HARRIS: Just so the record is
4 clear, I don't think that tape was produced to Mr.
5 Anderson --

6 THE WITNESS: Yeah.

7 MR. HARRIS: -- until after this
8 litigation was filed.

9 THE WITNESS: Right.

10 MR. STEELMAN: That is not what her
11 testimony was, Mr. Harris, because I asked that
12 question. We can go back and look at it, but that is
13 not what she testified to earlier.

14 MR. HARRIS: And I just want to make
15 the record clear --

16 MR. STEELMAN: In all due respect and
17 I know you're not trying to be difficult, but I don't
18 believe that you can make the record clear as to when
19 Mr. Anderson received the tape, with all due respect
20 to you.

21 MR. HARRIS: Well, I think I can make
22 it clear because the way it happened, she disclosed
23 to me that she had a tape and I told her to give it
24 to Mike and then Mike gave it to me.

25 MR. STEELMAN: Well, that may be how
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1 it.

2 MR. STEELMAN: I think the record is
3 clear that you did not believe it was in your
4 client's possession and that you told Ms. Mosley to
5 give it to your client so you could produce it. Can
6 we agree on that?

7 MR. HARRIS: Well, we'll leave it at
8 that.

9 MR. STEELMAN: I thought that was a
10 pretty fair rendition.

11 MR. HARRIS: Still a little shaky,
12 but.

13 BY MR. STEELMAN:

14 Q. We're going to try again.

15 A. Question? Is these segmented off, or
16 something, where you took the original tape and cut
17 where you needed it for the purpose of this hearing?

18 Q. Yes. I have only specific questions. But
19 I can also tell you that we've had it enhanced and
20 we'll have to bring in an expert to explain all that,
21 too.

22 A. Okay. Well, I just was wondering.
23 (Playing a portion of tape.)

24 BY MR. STEELMAN:

25 Q. Was that your voice and Monica's voice?

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1 it got to you eventually --

2 THE WITNESS: That is correct.

3 MR. STEELMAN: -- but that's not what
4 the testimony is. And I will say again, that is you
5 as a witness. If you want to be a witness, you can
6 be a witness.

7 MR. HARRIS: I'm just telling you what
8 the record is as far as the production of documents.

9 MR. STEELMAN: That is not the record,
10 that is your position of it. I'm not saying you did
11 anything improper, but I don't think that you have
12 full knowledge, unless you knew that this had been
13 taped at some time, did you, prior to when she told
14 you about it?

15 MR. HARRIS: No, I knew about it when
16 I produced it.

17 MR. STEELMAN: Okay, that's what I
18 thought, so you don't know -- none of us do, except
19 Mr. Anderson and Ms. Mosley here -- what happened, so
20 the record will be made by them.

21 MR. HARRIS: Well, but what I want the
22 record to be clear about is simply this. When I
23 found out about the existence of the tape, it was not
24 in my client's possession and I requested that Ms.
25 Mosley give it to my client so that I could produce

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1 A. Yeah, and I was --

2 Q. I've got questions, ma'am, trust me on
3 this.

4 A. That was my voice.

5 Q. Now, Monica said, if I've got this right --
6 and I may not, so you tell me if you agree with it --
7 he would never have asked or been concerned if he
8 knew that wasn't wrong. You were talking about Mike
9 Anderson in this conversation; right? You all were
10 talking about Mike?

11 A. At the very beginning of the tape?

12 Q. Yes.

13 A. It just kind of starts up and I was kind of
14 lost at what part of that conversation we was talking
15 about.

16 Q. Well, let me ask you this. You said, "I
17 don't know what all happened." Do you know what you
18 were referring to, not knowing what happened?

19 A. If I heard what I had said prior to that,
20 up to that very beginning of that tape, I might know.
21 It's not real clear to me at that point of the
22 conversation.

23 Q. Let's ask about this one. Did you say, "If
24 I was actually asked, the only thing I know about is
25 Danny, that I was actually there, and that's the only

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1 thing I know. The other is all hearsay, you know.
 2 Your word is my word, you know, and I thought about
 3 that, you know. I don't really know about anything
 4 that happened with Jeff. And Danny, yeah, I was
 5 there one time, but that's it, so I'm not -- you
 6 know, I'm not really lying." Were those your words?
 7 A. Basically, yes, to try to --
 8 Q. Were those your words, ma'am?
 9 A. Yes.
 10 Q. Okay.
 11 A. For a reason.
 12 Q. Okay, tell us your reason that you said
 13 that?
 14 A. To get her to elaborate more into detail
 15 about what had happened. She knew I knew more.
 16 Q. Why would you need to do that if you had
 17 seen things? Why would you not tell Monica what you
 18 had seen?
 19 A. Monica knew what I had seen. She didn't
 20 try to correct me. I was trying to get her to
 21 correct me.
 22 Q. Well, she didn't correct you, did she?
 23 A. She didn't.
 24 Q. And you said the only thing you saw was
 25 Danny McNew; is that right?

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1 THE WITNESS: Exactly.
 2 MR. STEELMAN: I was responding to the
 3 witness fairly, guys.
 4 BY MR. STEELMAN:
 5 A. You're calling me a liar, sir. I am not
 6 lying. I'm under oath. I have sworn to be telling
 7 you the truth.
 8 Q. That's a good question. Are you different
 9 when you're under oath than when you're not under
 10 oath?
 11 A. Yes. I believe that when you take an oath
 12 to tell the truth, you're going to tell that truth,
 13 nor am I trying to change your wording around to
 14 confuse you. I'm trying to explain this where you
 15 understood it and how it took place.
 16 Q. Okay. So if you're not under oath, does
 17 that mean you might not tell the truth? I'm just
 18 asking.
 19 A. In this situation, I did not tell her
 20 everything I knew that was going on, nor did I tell
 21 her I was the one telling.
 22 Q. I'm asking a general question, ma'am. I'm
 23 trying to determine what your attitudes are towards
 24 the truth. If you're not under oath, will you tell
 25 the truth?

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1 A. And I did that for a purpose.
 2 Q. And she didn't correct you, did she?
 3 A. Because, like I said, she knows what I knew
 4 and she knows what I saw.
 5 Q. If she knows what you saw, why did you only
 6 say you had seen Danny McNew one time?
 7 A. To try to get her --
 8 MR. FRANKLIN: Objection, asked and
 9 answered.
 10 A. -- to tell me more on the tape.
 11 Q. So that I understand, you're talking to the
 12 person who was there and you think by saying
 13 something to the person who was actually there
 14 something different that occurred, that was your way
 15 of getting her to open up?
 16 A. About like you're doing to me, yeah.
 17 Q. Is that what I'm understanding?
 18 A. Trying to --
 19 Q. No, ma'am, the difference is, I'm actually
 20 trying to get you to tell the truth; is that okay?
 21 MR. FRANKLIN: That's argumentative.
 22 MR. HARRIS: That is argumentative.
 23 This is ridiculous.
 24 MR. FRANKLIN: You're not here to
 25 badger this witness about her testimony.

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1 A. I believe in telling the truth totally, all
 2 the time.
 3 Q. Okay.
 4 A. But with the circumstances that were at
 5 hand with this situation, I didn't really have much
 6 of a choice but to try to lure her into telling
 7 something that was backing up what I had said.
 8 Q. And what were the circumstances that were
 9 at hand?
 10 A. That she was building her sexual harassment
 11 case, that she had been having sex with these
 12 officers. This is what I told Mr. Anderson. I
 13 wanted her to say it on tape, or if she would have
 14 admitted it.
 15 Q. Why?
 16 A. Just to back up that this was true.
 17 Q. What was true?
 18 A. What I just said.
 19 Q. Why?
 20 A. That she had sex.
 21 Q. Why?
 22 A. That she was doing this.
 23 Q. Why?
 24 A. Because she was suing him for something
 25 that was not done.

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1 Q. You had said you weren't there on December
2 18th?

3 A. I don't know what happened that night.

4 MR. HARRIS: Can we state for the
5 record that you're limiting your case for sexual
6 harassment to just what occurred on December 18th?

7 MR. STEELMAN: No.

8 MR. HARRIS: Because that was not your
9 client's testimony at her deposition.

10 MR. STEELMAN: No, that's a good
11 point. That's a good point.

12 BY MR. STEELMAN:

13 Q. So you thought that the note that was
14 passed in court was appropriate; correct?

15 A. It was supposed to have been a joke, yes.

16 Q. You thought it was appropriate; correct?

17 A. (Shaking head yes.)

18 Q. And what was the other circumstance that
19 she told you about?

20 A. Are you referring to him showing up at her
21 house?

22 Q. No. When you said there were two
23 circumstances that you told him that she had referred
24 to to you when you met with him the first time,
25 before she left the first time?

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1 Q. Okay.

2 A. Because when she talked to me about this
3 stuff I was on leave for the hysterectomy, so
4 somewhere in that time frame there. And then when I
5 come back, it was still being discussed.

6 Q. Okay.

7 A. And I know there was some other stuff. I'm
8 just drawing a blank.

9 Q. Not to belabor this too much and get two
10 lawyers here objecting at me, those were your words
11 that said, "You know, I really don't know anything
12 about what happened with Jeff. And Danny, yeah, I
13 was there one time." Were those your words?

14 A. Yes.

15 MR. FRANKLIN: That was 34; is that
16 right?

17 MR. STEELMAN: Yeah. What I'm going
18 to do is, I'll put 34 here and ask Mr. Waters to
19 initial that. I assume you guys are going to want
20 reproductions of all this stuff.

21 MR. FRANKLIN: In deed. I'll put 34
22 here.

23 MR. STEELMAN: Off the record for a
24 second.

25 MR. WATERS: The current time is 1450.

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1 A. Let's see, we're back to the first time
2 that we talked. It was the note in court. I'm
3 trying to think of what it was. I'm sorry, I'm
4 drawing a blank.

5 Q. Two incidents, I believe, you testified to;
6 is that right?

7 A. Yes, I do know what I've testified to. I
8 know what happened. I'm just drawing a blank on what
9 had took place. I don't know at this point. Could
10 we go to another question, maybe --

11 Q. I need to ask you about that one. Let me -
12 - when you testified that -- when you testified, and
13 correct me if I'm wrong, about your first meeting
14 with Mr. Anderson, that you told him she was building
15 a sexual harassment case based on two things; one,
16 the note that was in court. Correct?

17 A. Right.

18 Q. And what was the other one?

19 A. She had the email that she had. There was
20 a letter, or something, that she was supposed to
21 have.

22 Q. Was that email at this time, prior to her
23 leaving the first time, or did that occur after he
24 had been to her house?

25 A. No, it was at the first time.

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1 We now going off record.

2 (Off the record.)

3
4 (Back on the record.)

5 MR. WATERS: We're now back on record.
6 The current time is 1451. Please proceed.
7 (A portion of the tape was played.)

8 BY MR. STEELMAN:

9 Q. Now, was that your voice, ma'am?

10 A. Yeah, sorry for the bad language here.

11 Q. Who is Terry?

12 A. Terry Haden works for Brad Eidson, legal
13 secretary.

14 Q. Now, did she really come down and say this
15 place might be bugged, or was that all made up?

16 A. Terry had said that she thought it might
17 have been bugged and it was kind of a statement. We
18 was talking about that, wondering if it was actually
19 recorded. But as far as, I told Monica that to see,
20 basically, what she would say about that.

21 Q. That's not -- what I really want to know
22 is, did Terry Haden actually make the statement that
23 she believed this place might be bugged, talking
24 about the prosecutor's office?

25 A. Yeah, she had heard that. I don't remember

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1 who had told her that.

2 Q. Did you ever have any more conversations
3 with Terry Haden about the place being bugged or the
4 prosecutor's office being bugged or anything like
5 that, or did she ever tell you why she said that?

6 A. I do not remember what -- Terry and I spoke
7 about different things, but I don't remember
8 specifically. It was just kind of in mentioning.

9 MR. STEELMAN: That is Exhibit 35, by
10 the way.

11 BY MR. STEELMAN:

12 Q. Did Mr. Anderson ever say to you about
13 Monica, "She doesn't like me. She thinks I'm a
14 pervert." Did he ever say that to you?

15 A. Monica -- did Mike tell me that? I don't
16 remember him telling me that.

17 Q. Okay. Rather than play this, if you said
18 that to Monica on one of these tapes, were you making
19 it up, or did he say it to you?

20 A. She told me that.

21 Q. No, if you said Anderson --

22 A. I know what you're asking.

23 Q. -- said she doesn't like me and she thinks
24 I'm a pervert, did Mr. Anderson say that to you?

25 A. No, not that I remember him ever telling me

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1 out who some of these people are. Who is Clifford?

2 A. That is my cousin, works at the hospital.

3 Q. What's his full name?

4 A. Clifford Stark.

5 Q. And what does Clifford have to do with
6 this? Where does he work?

7 A. He works at Texas County Memorial Hospital.

8 Q. Okay. What does he have to do with this?

9 A. Basically, he had just mentioned this issue
10 with Brad Evans. Monica had kept a thing for Brad
11 and she's trying to use in that part of that that it
12 wasn't her and I just let her go along with that,
13 although she must have forgot that she had told me
14 that she was working on trying to get some of that,
15 so I just acted like it was just bull crap. And,
16 yes, my mom did tell me that. And I figured it might
17 have been Clifford that actually heard that. And I
18 did ask Clifford, so.

19 Q. And what did Clifford say?

20 A. Clifford said that, yeah, he had heard
21 several things about her, which he knew her better
22 than I did, Monica. He went, actually, to school
23 with her.

24 Q. And what did he tell you he heard?

25 A. That she was supposed to be messing around

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1 that.

2 Q. So your testimony is now that you don't
3 remember Mike Anderson saying that Monica thinks I'm
4 a pervert?

5 A. Monica said Mike was a pervert.

6 Q. That wasn't my question.

7 A. I know what your question is. I don't
8 remember Mike telling me that.

9 Q. That's what I wanted to establish.

10 A. She told me that.

11 Q. You don't ever remember Mike saying --
12 accusing that Monica thinks he's a pervert?

13 A. Right.

14 Q. Okay. Oh, and you did say to her -- again,
15 it's easier than going through all these things. You
16 did say to Monica, "Your secrets are safe with me.
17 You know that, don't you?"

18 A. Right. I did.

19 Q. At the time you were tape recording her;
20 correct?

21 A. Correct.

22 Q. Okay. Well, let me see, I may have to play
23 this one.

24 (A portion of the tape was played.)

25 Q. Now, my questions are, I'm trying to figure

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1 with this Brad that was a city cop for Houston, which
2 I already knew Monica -- I just told him, "Awe, that
3 ain't true," because I didn't want these rumors
4 actually floating around any more than what they was,
5 I mean, at that point.

6 Q. So did you say to him, Monica left here
7 because she was uncomfortable with working here?

8 A. Yeah, and that's what I used -- that's what
9 I told her and that's what I told him, and that I
10 wasn't going into details about anything. And I
11 haven't to anybody.

12 Q. What's your mom's name?

13 A. Charlotte Metz.

14 Q. Charlotte what?

15 A. Metz, M-e-t-z.

16 Q. And where does she live?

17 A. She lives in Raymondville in the senior
18 citizens apartment.

19 Q. What's her health like?

20 A. Not good. I mean, she's not in good health
21 at all now.

22 MR. STEELMAN: Okay, what number are
23 we up to? Off the record a second.

24 MR. WATERS: The current time is 1502.
25 We're going off record.

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(Off the record.)

(Back on the record.)

MR. WATERS: We're now back on record.
The current time is 1519. Please proceed.

BY MR. STEELMAN:

Q. Mr. Anderson indicated that he had a meeting with Terry Haden at some time before Monica leaving -- or after Monica leaving, where he found some things out. Do you know anything about that meeting?

A. No, just what Terry told me.

Q. What did Terry tell you?

A. That she had a meeting with Mike and told him what she knew.

Q. What did she know?

A. About Monica telling her, basically, about having sex with Danny McNew and Jeff Kinder.

Q. And when was this meeting?

A. I don't know when they actually met.

Q. So Terry Haden did tell you that she had a meeting with Mike Anderson and told him about Monica having sex with Danny McNew and Jeff Kinder; is that right?

A. Right.

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first meeting. Might have been the second one. But it was during the time frame there. I believe it was the first meeting, though.

Q. What about somebody named Hackman and his wife?

A. Yes, that was the first meeting, I'm pretty sure.

Q. What did you say?

A. I told him that -- previously, basically Monica -- actually, Kelly Hackman, his wife, was a probation officer, misdemeanor probation officer, and she had told me of her husband not coming home. And when he come home, it was up in the middle of the night and he slept on the loft, or something in the loft. I've never been to their house, but in a different area of the home. And Monica told me that was because he was with her.

Q. And did you tell Mike this in the first meeting before he let Monica go the first time?

A. I believe so.

Q. Now, did you tell Mike Anderson you saw Monica and Millie kissing on the mouth?

A. Yes.

Q. Okay. And when was that?

A. That was just during our times of going

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Q. Who told Mike about somebody named Raynelle Wilson?

A. I did. Monica told me.

Q. And who is Raynelle Wilson?

A. Her name is actually Ranelle.

Q. Okay.

A. And Monica had told me that her and her -- I think it was a boyfriend at the time. I think they're married now -- had some sexual relationships.

Q. And when did you tell Mike?

A. I don't know the specifics on when I told him about that because it really wasn't something I was real familiar with. I hadn't witnessed that.

Q. How did you come to tell him that?

A. Just that general talking of these are the people I know of that she's told me she's done things with.

Q. How did that come up?

A. When I was telling him of the people I knew of.

Q. Is this before the first meeting?

A. No.

Q. Or the first meeting before he let her go the first time, I mean. I should have restated that.

A. I believe that might have been at that

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out, was prior to any of this actually taking place with any lawsuits or anything, nothing with the firing issue. It was way prior to that. We had -- I seen them two French kiss.

Q. And where was this?

A. In front of her house, in her driveway, in my vehicle.

Q. And who else was there?

A. I know it was -- me and Monica was still in the vehicle. Millie got out. I don't know if Misty had already got out of the vehicle, but Misty had went with us and we had all went out that night, Misty Hale.

Q. When did this take place?

A. I do not remember the time or anything as to when that actually happened, but it was during the course of our working together.

Q. And when did you tell Mike Anderson?

A. I believe I told him about that that very first meeting.

Q. Did you tell Mike Anderson that Monica said to you she was tired of Millie being in her bed all the time?

A. Basically my words was, Monica wanted me to make sure I had Millie go home because she didn't

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1 and I don't know what made him believe that. I do
2 not know them circumstances, or whatever youn's are
3 going on with the drug issue.

4 Q. But he did tell you later that he thought
5 he was drugged or not?

6 A. I don't remember if he told me -- I don't
7 remember if he's the one who told me that or if it
8 was Monica who told me that that's what he was trying
9 to say. I don't remember who told it, but I heard
10 that.

11 Q. But you didn't have anything to do with any
12 file in the office on investigating his condition
13 that night?

14 A. No.

15 Q. Or whether he was drugged or not drugged;
16 is that right?

17 A. Right, nothing, other than like I said
18 earlier.

19 Q. Did you ever work with Dr. Long, Dr.
20 Christopher Long on any cases?

21 A. I don't know him, so no.

22 Q. I'm going to show you what's been marked as
23 Exhibit 4, which is a damage complaint filed by
24 Michael Anderson versus Monica Daniel and Mildred
25 Williams. Have you see this before?

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1 Q. My question is -- if you don't understand,
2 you don't understand, that's fine.

3 A. I don't.

4 Q. Do you have any information indicating that
5 Paragraph 3 is true?

6 A. No. Not that I can think of, no.

7 Q. Okay

8 MR. FRANKLIN: I'm going to object
9 just for the record just to the extent it calls for a
10 legal conclusion as to what -- a legal conclusion as
11 to what is the definition of a conspiracy, libel,
12 slander.

13 MR. STEELMAN: Okay.

14 MR. FRANKLIN: So to that extent, to
15 the extent you know.

16 BY MR. STEELMAN:

17 Q. Now, going to paragraph -- let me ask you
18 this. When all this started -- not when all this
19 started. After Mike Anderson went to Monica's house
20 -- and you found out about that from both Monica and
21 Mr. Anderson; is that right?

22 A. Yeah.

23 Q. Did anybody else say anything to you or
24 tell you anything about Mike Anderson going to
25 Monica's house on December 18th?

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1 A. I think it was on the internet, actually,
2 on like the news thing. Actually seeing it, no.

3 Q. Okay.

4 A. I've never read it, if that's what you're
5 meaning.

6 Q. I want you to go down to Paragraph 3. And
7 it says, "For a period of time from March, 2005,
8 through May, 2006, said defendants -- that's Monica
9 and Millie -- have entered into a conspiracy to
10 malign, libel, and slander Plaintiff, Michael R.
11 Anderson, in order to deprive him of his publicly
12 held position of Texas County Prosecuting Attorney
13 for the County of Texas, State of Missouri." Do you
14 see that?

15 A. Yes.

16 Q. Now, do you have any information indicating
17 that was true?

18 A. I'm trying to think as to what -- okay, as
19 far as this aspect --

20 Q. Paragraph 3.

21 A. -- the libel and slander --

22 Q. I'm talking about Paragraph 3. We're going
23 to go through it paragraph by paragraph, yeah.

24 A. -- I'm not sure what Mr. Anderson is
25 actually talking about here, okay?

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1 A. No.

2 Q. Okay.

3 A. His wife, yes.

4 Q. What did his wife tell you?

5 A. She asked me if I knew about it. That was
6 the only thing.

7 Q. When?

8 A. It was right about the same time, I mean,
9 when it happened. She just asked me if I had heard
10 about that.

11 Q. How did that come up? Tell me about this.

12 A. It was just a general conversation. It was
13 nothing to this.

14 Q. Were you in the office?

15 A. No.

16 Q. Where were you.

17 A. I was on the phone with her.

18 Q. Did you call her, or did she call you?

19 A. I don't remember who called who.

20 Q. Okay.

21 A. I don't recall if I called her or if she
22 called me. But, anyway, she did mention to me that -
23 - and it was after because I already knew it happened
24 or had happened, but there was nothing mentioned bad
25 or good or anything, just that it had happened. If I

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1 knew about it happening, and I said yeah. And I
2 believe that was all that was ever really said.

3 Q. Did anybody else ever say anything to you
4 at any time about Mike Anderson going to Monica's
5 house?

6 A. I do not believe so. I'm trying to think,
7 but I don't remember anybody offhand.

8 Q. Now, Paragraph 4-A says that -- this is
9 talking about Monica Daniel and Mildred Williams:
10 Conspired with each other to disseminate false
11 information that Plaintiff, Michael R. Anderson, made
12 threatening comments during a series of telephone
13 calls made to the home phone of Defendant, Monica
14 Daniel, on or about December 18th, 2005. Do you see
15 that?

16 A. Yes.

17 Q. Do you have any information that that
18 allegation is true?

19 A. All I know is that Monica had a tape
20 recorder tape that she started to play that I heard
21 some of and that, I guess, is what -- she is
22 referring to that, would be that telephone call.

23 Q. Do you remember what you heard?

24 A. At the beginning, it was like, "Are you
25 there?" It seemed like it was -- don't hold me to

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1 there. She indicated that Millie was there. I said,
2 "Now, you know Mike, he's never been a threatening
3 person. How is that helping you?" And she said,
4 "Because it will." Now, what it will, I don't know.
5 She never did tell me. As you could hear on the
6 phone conversations, she's pretty vague.

7 Q. Well, my question, though, what it says,
8 "They conspired to disseminate false information that
9 Anderson made comments of a sexual nature." Did she
10 say anything other than what you just said to me?

11 A. Not that I recall.

12 Q. C says: Conspired with each other to
13 disseminate false information that Plaintiff, Michael
14 R. Anderson, engaged in inappropriate behavior during
15 a prosecutor's training seminar in September of 2005.
16 What do you know about that?

17 A. I was there. I was there the whole time.

18 Q. Okay. What happened?

19 A. Her allegation here is, we was sitting in
20 the bar part of the hotel. There was me, Monica,
21 Mike, Stephanie. There was a guy that was pretty
22 well intoxicated. Monica and --

23 Q. Do you know his name?

24 A. No, didn't know him. He was from another
25 training part there for training, as well. Not for

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1 this -- like, "Are you there? I need to talk to you
2 about this stuff that's going on. Let me in, I just
3 want to talk," basically, was about it. It didn't
4 sound threatening to me, what part I heard. But it
5 was only a very small part, so. And I really
6 couldn't tell you if it was the beginning of the
7 tape.

8 Q. Did Monica tell you it was threatening?

9 A. Monica said to me that Millie was scared,
10 because Millie was there with her.

11 Q. Did Millie say anything to you?

12 A. No.

13 Q. 4-B says: Conspired with each other to
14 disseminate false information that Plaintiff, Michael
15 R. Anderson, made comments of a sexual nature during
16 a series of telephone calls made to the home of
17 Defendant, Monica Daniel, on or about December 18,
18 2005. Do you see where it says that?

19 A. Yes.

20 Q. Do you have any information that that is
21 true?

22 A. Okay, Monica had said that she got him.
23 "I've got him on tape."

24 Q. When did she tell you that?

25 A. That was after the night he went over

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1 prosecutor, but for another group, and he was real
2 drunk. It was like Mike, Monica -- actually, I'm not
3 sure if I was sitting right beside Mike. I think I
4 was. I think Stephanie was like -- I was here,
5 Mike's here, Stephanie, and then Monica.

6 Anyway, the guy come to the table, off the
7 dance floor, introducing himself to us, and about
8 fell on top of, actually, me. I was sitting there,
9 staggering over top. And I was like, "Oh, my God,"
10 you know, attitude.

11 Mike got up and shook his hand and I don't
12 know if Mike actually said something to him like,
13 "You need to have a seat," but basically the guy was
14 drunk. Monica jumps up, storms off and I go
15 following her. I said, "What is wrong?"

16 And she tells -- as Mike is coming up
17 behind us, she's saying, "I'm not with you. You're
18 not my boyfriend. Don't basically tell anybody that
19 they can't come over here." Which I don't think he
20 done that, at all. I don't remember him saying
21 anything about, "You have to leave."

22 It was just basically the guy was drunk and
23 falling down on top of -- practically on top of us.
24 Mike said, "I'm not saying that I'm your boyfriend."
25 The guy is drunk. He's about to fall on top of all

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1 of youn's, you know. He's being disrespectful."
2 That was his, you know, kind of like statement to
3 her.

4 And she still was screaming at him about
5 this -- him not being her boyfriend, okay? He says,
6 "I never said I was your boyfriend. I'm not your
7 boyfriend. I don't know why you keep saying that."
8 Then he slung his cup of -- whatever was in it -- on
9 the ground and he went his way and I followed Monica
10 to the room, and so did Stephanie.

11 And I went up there and I asked her, "What
12 in the world are you talking about? Why did you say
13 that was your boyfriend?" And she said, "Well,
14 that's what's he's acting like." I said, "Monica, he
15 didn't do anything to you. I felt like he was
16 protecting us." I told Stephanie that, too.

17 We had like adjoining rooms, so it was like
18 a door in between our two rooms, and there was me and
19 Stephanie and Monica, so it was us three girls in one
20 room -- or two rooms, actually, that joined. Anyway,
21 we just kind of talked about it. There was -- my
22 personal opinion, he didn't do anything wrong. That
23 was not -- he didn't say anything sexual to Monica.

24 The guy was drunk. The guy was
25 belligerent, and he come over there and made a scene.

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1 the Texas County Prosecutor's Office?

2 A. I remember Monica talking about Millie
3 would help her. I do not remember -- I cannot
4 remember if there was something specifically stated
5 or not. I mean, I know -- I see what Mike has put
6 here, but I do not know for sure what he's exactly
7 talking about.

8 Q. And my question is --

9 A. I do not know.

10 Q. -- are you saying that Monica told you that
11 Millie would help her remove and cover up criminal
12 investigative documents?

13 A. Monica told me that she would help her out.

14 Q. That's not my question.

15 A. I know what your question is. I don't know
16 if she meant documents or what, but that was what we
17 was discussing, was Millie and her being friends and
18 she had connections in there.

19 Q. So that I'm clear, do you have any
20 information that Millie Williams removed or helped
21 cover up the removal of criminal investigative
22 documents?

23 A. Not to my memory. I don't remember her
24 doing anything.

25 Q. Now, going on to E. It says: Using public

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1 I'm glad Mike said something, although I was single
2 and, you know, it wasn't like I was married. But
3 that guy didn't know that, either. He didn't know
4 who was with who.

5 Q. Anything else?

6 A. We didn't go back really around Mike. If I
7 remember correctly, that was, I think, the last night
8 we was at that training. That was the training that
9 took place after the raise. My raise is basically
10 what brought on all of this, whichever training that
11 was. I don't remember if it was spring or fall.

12 Q. The next allegation in Mr. Anderson's
13 complaint is D. And it says: Using the public
14 offices held by Defendant Daniel and Defendant
15 Williams to remove and conspire to cover up the
16 removal of criminal investigative documents from the
17 Texas County Prosecuting Attorney's Office to the
18 detriment of Mike Anderson and the Office of the
19 Texas County Prosecutor and the People of Texas
20 County. What do you know about that?

21 A. I'm not really sure what he's offhand
22 talking about.

23 Q. Let me ask you this. Do you have any
24 information that Millie Williams was involved in
25 removing any criminal investigative documents from

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1 offices held by Defendant Daniel and Defendant
2 Williams to conspire to do favors for their friends
3 and others to the detriment of Plaintiff, Michael R.
4 Anderson, and the Office of the Texas County
5 Prosecutor and the People of Texas County. Do you
6 see that?

7 A. Yeah.

8 Q. What do you know about that?

9 A. That would be in the issue of shredding
10 tickets, not filing stuff, not having officers there
11 on subpoenas where Mike would stand up and give an
12 excuse that was a lie because that was what --

13 Q. Wait, what would Mike do?

14 A. Well, when we go to court, if an officer is
15 unable to come, we need to know why.

16 Q. When you said Mike would give an excuse
17 that was a lie, what did you mean by that?

18 A. Because that's what Monica would tell him.
19 This is what the officer is doing, whether it be
20 training, gone, out of town. And she would help them
21 so they wouldn't have to come to court.

22 Q. Can you tell me any specific instances and
23 specific individuals?

24 A. It was frequent and it usually was with the
25 one she liked. Now, Kevin Floyd was not one she

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1 liked, so that wasn't one she would do anything for.
 2 I can name a few that she wasn't real fond of, but
 3 Kevin Floyd, unfortunately, is deceased. But I know
 4 he wouldn't come into our office because of Monica
 5 doing these things.

6 Q. Now, I'm not saying that this was on
 7 purpose. Are you saying that because of all this,
 8 Mr. Anderson would frequently make statements to the
 9 court, in open court, that were untrue?

10 A. Not because he knew it.

11 Q. I know. I'm just trying to clear that up.

12 A. Clear that up?

13 Q. Yes.

14 A. Monica would get her -- talk to whomever.

15 Q. Okay, just answer my question. I'm just
 16 trying to understand this.

17 A. Okay.

18 Q. I'm not saying it was anything Mr. Anderson
 19 did on purpose. Are you saying that you have
 20 personal knowledge that Mr. Anderson has repeatedly
 21 made statements in open court to the judge that were
 22 untrue?

23 A. Yes, because of her.

24 Q. And you all are saying that's because of
 25 Monica?

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1 everybody.

2 Q. You had those conversations too; right?

3 A. Yes.

4 Q. Were you part of this coordination --

5 A. No.

6 Q. -- and orchestration of a swinger-style sex
 7 ring?

8 A. I've never had any sex with anybody in that
 9 office that works for this county at all. There's no
 10 sexual relationship that I've had with Monica, nor
 11 anybody else.

12 Q. So what you mean is having the sex is the
 13 swinger-style sex ring. Is that how you interpret
 14 that?

15 A. Or coordinating the sexual events, I guess,
 16 would be --

17 Q. What kind of sex -- I don't understand.

18 A. Them going out for whatever occasion, who
 19 all is going to be there. To me, they talked to each
 20 other on the phone frequent about what they was going
 21 to do, what we was all doing.

22 Q. I'm just trying to understand. Yeah, you
 23 would talk to Monica about what you were going to do,
 24 too?

25 A. If I was going to go with them, yeah.

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1 A. I know it was because of Monica. I heard
 2 the phone conversations.

3 Q. I understand. Now, F says: Conspiring
 4 with each other to use their public offices to
 5 coordinate and orchestrate a swinger-style sex ring
 6 out of the Texas County Prosecuting Attorney's
 7 Office. What do you know about that?

8 A. I believe that this would probably be --
 9 from what I would understand this to be, would be the
 10 issue of them, during work hours, discussing what
 11 they're doing and who they're doing and their sexual
 12 activities that they was planning.

13 Q. In particular, Millie, I want to talk about
 14 for a second. What do you know of that Millie did
 15 using her office to coordinate and orchestrate this
 16 swinger-style sex ring?

17 A. By calling Monica. I would say, by calling
 18 Monica and, you know, them discussing their weekend,
 19 their evening or whatever, during work hours. Their
 20 computers, I believe they messaged each other back
 21 and forth, or text messaged each other.

22 Q. So that I understand this, you would have
 23 conversations, sexual in nature, with Monica at work,
 24 too; correct?

25 A. Monica always had sexual conversations with

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1 Q. What was different about Millie?

2 A. They had a sexual relationship together. I
 3 didn't have one with either of which. There is a
 4 difference. I didn't have sex with none of them, so.

5 Q. Did you see them -- I thought you didn't
 6 see them have sex?

7 A. No, but I didn't have to see them for them
 8 to be telling me -- well, Monica told me that they
 9 had sex.

10 Q. Did Millie ever tell you she had a sexual
 11 relationship with Monica?

12 A. No. I watched them kiss, so it's pretty
 13 obvious something had happened. You don't French
 14 kiss a girl, or I wouldn't.

15 Q. And Misty Hale was a witness to this, too;
 16 is that correct? I want to make sure I got this
 17 right.

18 A. I don't know if Misty got out of the
 19 vehicle at the time because my doors open -- both
 20 doors open on my truck. But Monica -- Millie was up
 21 front and Monica was in the back with Misty.

22 Q. Now, it says in Paragraph 8 that such
 23 conduct and conspiracy to malign, libel, and slander
 24 plaintiff has deprived plaintiff -- that's Mr.

25 Anderson -- of the benefit of public confidence and

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1 lawsuit itself?
 2 A. It might have been.
 3 Q. Okay.
 4 A. Just the purpose of the swinger-style sex
 5 ring issue, was Mike doing anything, you know, had he
 6 done anything. Is it true?
 7 Q. So people would call you --
 8 A. Well, yeah, he's an elected official.
 9 Q. -- and ask about the swinger-style sex
 10 ring?
 11 A. Well, they would ask me, "What in the heck
 12 is going on? What's going on with a swinger-style
 13 sex ring in Texas County?" It was a big joke.
 14 Q. And is this a lot of people?
 15 A. Yeah, very frequent. Come on, read it.
 16 Q. And what else?
 17 A. I had many people state their opinion of
 18 Monica, I mean, as far as, "What in the heck, you
 19 know, could anybody do to her that she wouldn't ask
 20 for."
 21 Q. And who said that to you?
 22 A. Monica is very well-known for her --
 23 Q. We're talking specifics.
 24 A. -- sexual innuendos.
 25 Q. What people? Can you tell me some people
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1 that we're talking about?
 2 A. Oh, God. Well -- yeah, there's lots. I
 3 mean, it's just naming off names of people who you
 4 talk to.
 5 Q. So you're saying a lot of people had bad
 6 things to say to you about Monica; is that right?
 7 A. Right, and you're sitting there trying to
 8 pinpoint it down to exact people.
 9 Q. After the filing of this lawsuit?
 10 A. I knew things about her before people had
 11 said.
 12 Q. That's not what we're talking about.
 13 A. But, yes, after the fact, yes, on the
 14 lawsuit.
 15 Q. After the lawsuit, you had a lot of people
 16 say bad things to you about Monica?
 17 A. Yeah, that apparently knew her before me
 18 because I didn't know her. I just knew of her.
 19 Q. Okay. What else? Tell me any of those
 20 names if you can, two, three, four, five, whatever?
 21 A. I'm trying to think. I had some of the
 22 officers. I think Mike Huffman had asked me.
 23 Q. Who is Mike Huffman?
 24 A. He works at the sheriff's office.
 25 Q. And what did he ask you?
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1 A. If this stuff was -- if that was true.
 2 Q. The swinger-style sex ring?
 3 A. Whatever was going on at that time, if it
 4 was the swinger-style thing, or just the issue with
 5 Mike supposedly -- sexual harassment with Monica.
 6 Q. How was the issue of sexual harassment out
 7 there? I don't understand.
 8 A. Well, I don't know what was printed in the
 9 paper. I did not keep up with this stuff at all. I
 10 don't look at it. I don't have time. I have a life.
 11 Q. I don't know this, so you can tell me. Was
 12 anything printed in any paper about sexual harassment
 13 prior to Mr. Anderson filing the lawsuit and the
 14 complaint, which is Exhibit 4?
 15 A. I don't know.
 16 MR. FRANKLIN: Objection, asked and
 17 answered. She said she doesn't read the paper.
 18 BY MR. STEELMAN:
 19 A. I don't read the paper. I haven't read
 20 these, nor have I been on any of the stuff that
 21 talked about this, so I don't know.
 22 Q. So the answer is, you're not aware of
 23 anybody writing about or reading about sexual
 24 harassment prior to Mr. Anderson filing the lawsuit
 25 that is Exhibit 4; is that right?
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1 A. Okay, prior to, no. After this was -- I
 2 think it was actually published, or something, or put
 3 on the front page, or something, about a swinger-
 4 style sex ring, what the prosecutor had alleged. And
 5 I don't know if there was a site you could go to to
 6 review this document. I do not know that, I never
 7 looked. But people told me that they had seen the
 8 petition that was filed. How they seen them, I guess
 9 it's public record.
 10 Q. Is it fair to say that after the petition
 11 was filed by Mr. Anderson that you had, what, would
 12 you say dozens of people or hundreds of people
 13 wanting to talk to you about the allegations
 14 contained in it?
 15 A. I wouldn't say hundreds, but dozens of
 16 people has asked me throughout if it was true or, you
 17 know, alleged that they thought maybe it was true.
 18 Or alleged the opposite, that Monica was a whore and,
 19 once a whore, always a whore statements. That she
 20 screwed anybody in Houston. She moved to Licking,
 21 screwed that up, so now she's in Rolla. And then she
 22 went to Cuba or somewhere. I don't know where she's
 23 at actually, but somewhere up in that area.
 24 Q. People were talking about this all over the
 25 place; right?
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